

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Bella Vodovozova,

Plaintiff,

v.

BAC Home Loans Servicing, L.P., d/b/a Bank
of America Home Loans,

Defendant.

Civil Action No. 1:10-cv-10875

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1 AND FED. R. CIV. P. 26(f)

Plaintiff Bella Vodovozova (“Plaintiff”) and Defendant BAC Home Loans Servicing, L.P. (“Defendant”) hereby submit this Joint Statement in accordance with Fed. R. Civ. P. 26(f) and Local Rule 16.1. The parties conferred on May 24, 2011, regarding a joint proposed pretrial case schedule and they present this Joint Proposed Agenda for the June 14, 2011 Scheduling Conference, Joint Proposed Pretrial Schedule, and Proposed Discovery Plan.

I. PROPOSED AGENDA FOR JUNE 14, 2011 SCHEDULING CONFERENCE

The parties propose that the agenda for the initial scheduling conference include the following issues:

1. Proposed pretrial discovery plans of parties;
2. Proposed schedule for the filing of motions and the amendment of pleadings;
3. Potential settlement between the parties; and/or
4. Date of the next scheduling and/or status conference

II. PROPOSED PRETRIAL SCHEDULE AND DISCOVERY PLAN

The parties submit that this case warrants a **six-month** discovery period and submit the

following deadlines:

1. **Discovery Plan.** The parties jointly propose to the court the following discovery plan.
 - a. **Topics of Discovery.** Discovery, to the extent not privileged or otherwise not discoverable, is necessary as to topics including but not limited to: the servicing of Plaintiff's mortgage loan, the loan modification process, loan payment history, any foreclosure activity, the collection history, relationship between Defendant and the investors of Plaintiff's mortgage, standing to enforce the mortgage and loan, the allegations in the First Amended Complaint and the relationships, correspondence, communications or dealings between or among the parties to this lawsuit and third parties with respect to the issues identified above. *The parties reserve the right to conduct discovery on subjects not listed above and to object to discovery sought regarding the subjects listed above.
 - b. **Protective Order.** Defendant anticipates that discovery in this case may require it to produce confidential and/or proprietary business information. Accordingly, the parties agree that Defendant, before producing any confidential or proprietary information, may submit a reasonable confidentiality agreement or protective order to the Plaintiff for review and execution. If the parties are unable to agree on a suitable confidentiality agreement/protective order, Defendant may propose a motion for protective order to this Court.
 - c. **Electronic Discovery.** The parties considered the subject of electronic discovery and do not anticipate it being an issue in this case at this time. The parties acknowledge their obligations with respect to electronic discovery under the Federal Rules of Civil Procedure, and reserve the right to revisit this subject as necessary as the case progresses, including without limitation all provisions in the rules regarding identification and accessibility of electronic information, production of the same, and assertion of privileges and confidentiality with respect to such materials.
 - d. **Initial Disclosures.** The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) no later than **June 21, 2011**.
 - e. **Amendment and Joinder:** The parties shall be allowed until **July 14, 2011** to join additional parties and to amend the pleadings.
 - f. **Discovery Deadline.** All discovery (written and deposition) shall be completed by **December 14, 2011**.

- g. **Modifications to Limitations on Discovery Imposed by the Federal Rules.** The Parties do not anticipate any modifications to the limitations on discovery at this time. If the need for additional discovery arises, the Parties will request the same from the Court.
- h. **Expert Discovery.** The parties do not expect expert discovery to be needed at this time, but reserve the right to amend this discovery plan if expert testimony is needed.
- i. **Dispositive Motions.** All dispositive motions will be filed no later than **February 14, 2012**.
- j. **Settlement.** The parties have discussed settlement, but have not been able to come to terms at this time.

- 2. **Trial.** The parties agree that a trial, if needed, will last 1-2 days.

III. CONSENT TO TRIAL BY MAGISTRATE JUDGE

A Refusal to Consent to Proceed Before a US Magistrate Judge was previously filed with the Court on August 2, 2010.

IV. RULE 16.1 CERTIFICATIONS

The certifications required by Local Rule 16.1 will be filed separately by each party.

Respectfully submitted,

Plaintiff,
Bella Vodovozova
By counsel,

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Dated: June 7, 2011

CERTIFICATE OF SERVICE

I, Joshua M. Daniels, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and that paper copies will be sent to those indicated as non-registered participants on June 7, 2011.

/s/ Joshua M. Daniels

Joshua M. Daniels